

1 THE CITY OF ROCKVILLE PLANNING COMMISSION

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3  
4 ROCKVILLE PIKE DISTRICT CODE

5 Meeting 10-2013

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8 T R A N S C R I P T

9 O F

10 P R O C E E D I N G S

11  
12 ROCKVILLE CITY HALL

13 Rockville, Maryland

14 May 22, 2013

15  
16 BEFORE:

17 JERRY CALLISTEIN, Chairman

18 DON HADLEY, Commissioner

19 KATE OSTELL, Commissioner

20 DAVID HILL, Commissioner

21 DION TRAHAN, Commissioner

22 JACK LEIDERMAN, Commissioner

23 JOHN TYNER, Commissioner

24  
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**ORIGINAL**

STAFF PRESENT

Andrew Gunning

David Levy

Clark Larson

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1                                    P R O C E E D I N G S

2                    CHAIRMAN: Welcome back, ladies and gentlemen.  
3 This is Rockville Planning Commission. And we are about to  
4 enter into the second part of our agenda for the evening,  
5 which -- thank you -- which is the public hearing on the  
6 proposed Rockville Pike District Zone. So, do I have any  
7 comments from staff?

8                    MR. LEVY: No. We can go ahead.

9                    CHAIRMAN: Okay. Again, the same rules apply. If  
10 you are speaking on behalf of an organization, you get five  
11 minutes. If you are a private individual, you get three  
12 minutes. If you hit three minutes, please, your time, please  
13 try to wrap up quickly or I will have to ask you to please  
14 stop. So first on our list is Noreen Bryan.

15                   MS. BRYAN: Good evening, Members of the Planning  
16 Commission. My name is Noreen Bryan. I live at 207 South  
17 Washington Street. As president of the West End Citizens  
18 Association, WECA, I am here to present our organization's  
19 position. I will repeat, on the 18th of April, the Executive  
20 Board of WECA unanimously voted not to support the Pike Plan  
21 or the Zoning Revisions which implement it.

22                   Thereafter, they were discussed at the General  
23 Membership Meeting on May 16th. Wide opposition was  
24 expressed. The citizens do not feel that the plan reflects  
25 their views. To them, it represents a product of city staff

1 and consultants, not the idea of Rockville residents. The  
2 resolution, et cetera, are attached.

3           It is the Zoning Revisions where the rubber meets  
4 the road. They give the green light to developers. Therein  
5 lies the potential for real harm to our quality of life and  
6 loss of Rockville as we know it today. Why are we opposed?  
7 The Zoning Revisions set new heights along the plan, the  
8 Pike, and throughout the area, the Pike Plan area. These new  
9 heights mean greater density and the potential to double the  
10 population of Rockville. The Pike area has more than 20  
11 times the area, acreage of Town Square, including Duball and  
12 Kettler. Today's downtown accommodates 3,300 people. Doing  
13 the numbers, if built to plan, the Pike area will have 60 to  
14 70,000 people.

15           The plan fails to show how this increased  
16 population will benefit the city or today's residents. In  
17 fact, the plan says its estimate of the population growth in  
18 the Pike Plan area is 9 to 11,000 people by 2040. So why, I  
19 would ask, are the Zoning Revisions designed to provide  
20 housing for 7 to 8 times that many people? What are the  
21 benefits to accrue to the city and its residents? Making the  
22 Zoning Revisions law puts two laws in conflict. The Plan  
23 gives the go-ahead to developers through the Zoning  
24 Revisions, yet the Zoning Revisions do not require the needed  
25 schools, roads, or public facilities, or put them in place.

1 This puts the revisions in direct conflict with the Adequate  
2 Public Facilities Ordinance. This is the equivalent of  
3 putting candy in front of children and telling them they  
4 can't have any.

5           The pressure to repeal the APFO will grow and grow.  
6 But how does that improve the lives of our children or our  
7 community? We know our schools are overcrowded today, and  
8 traffic congestion is causing most of the Pike's  
9 intersections to fail. Why would we knowingly want to  
10 degrade the quality of education for our children and those  
11 of newly-arrived residents? How would weakening the APFO  
12 build a stronger, better life for Rockville citizens?

13           Making these Zoning Revisions our laws means that  
14 developers can build new eight to 13-story buildings when the  
15 promised roads do not exist. The Pike Plan fails to provide  
16 a roadmap for when these new roads will be constructed or who  
17 will finance them. This is imprudent at best. Citizens have  
18 a great fear that the burden of paying for these new roads  
19 will fall on their shoulders, yet they cannot see benefits to  
20 themselves. Simply put, lots more people means lots more  
21 traffic. Americans haven't given up their cars yet.

22           Without the roads, what will be the result? The  
23 vision I see is new, tall, mixed-use buildings located at the  
24 curb of a non-existent service road. These will be  
25 interspersed with the remnants of existing malls, car dealers

1 and big stores. How will that work? What happens to the  
2 traffic flow in that case? Residents of the West End believe  
3 that the Plan and the Zoning Revisions put the cart before  
4 the horse, or perhaps more aptly, buy the cart without a  
5 horse. It is a recipe for increased chaos.

6           Lastly, the plan states ambitious goals for parks  
7 and green space, but the Zoning Revisions do not follow  
8 through. From my reading of the Zoning Revisions, developers  
9 can meet green space requirements through interior courtyards  
10 and street box plantings. How will this result in public  
11 parks and open land? It is recognized that setting aside  
12 land for parks, determining where they'll be located, and who  
13 will pay for the land are challenging issues. But unless  
14 parks are incorporated in the plan from the outset, they will  
15 never happen. Now is the only chance that we get to provide  
16 for public parks and green space.

17           In summary, we appreciate the efforts of so many  
18 who've done work on this plan. But we really believe more  
19 attention needs to be given to the impact on today's citizens  
20 and to understanding the consequences of our actions and  
21 plans before we approve them. It is not only premature, but  
22 it would be harmful to Rockville to enact the Zoning  
23 Revisions before we answer the many profound, outstanding  
24 questions, some of which we put before you this evening.  
25 Thank you for listening. And I hope there will be an

1 opportunity to work for a plan that better preserves and  
2 enhances Rockville. Thank you.

3 CHAIRMAN: Okay, thank you. Next is Brian Shipley.

4 MR. SHIPLEY: Good evening. My name is Brian  
5 Shipley, and I live at 211 South Washington Street. I grew  
6 up in Rockville, and now I'm raising my family in Rockville.  
7 For more than 30 years, I have been driving and shopping on  
8 Rockville Pike. As everyone knows, it's neither the easiest  
9 ride, nor the most beautiful. But the Pike provides crucial  
10 goods and services for my family and the community. In my  
11 opinion, and it's my opinion that the changes to the Pike  
12 should only be made if it can be clearly demonstrated they  
13 will benefit the citizens of Rockville and the businesses who  
14 operate along the Rockville Pike.

15 After studying the Plan and the Zoning Revisions,  
16 my review is the Pike and the Code, the Plan and the Code  
17 will do more harm than good, and there seems to be few  
18 benefits to existing residents. Accordingly, I'm opposed to  
19 the Plan and the implementing Zoning Revisions for the  
20 following reasons. First of all, infrastructure. The plan  
21 as written will give the go-ahead to developers to start  
22 building massive new buildings without the necessary roads,  
23 schools, parking garages, sewer, water, and other facilities  
24 and services needed that are essential. I think the Pike  
25 infrastructure can barely support what we have now, let alone

1 the density proposed by the Plan. Pretty pictures and  
2 boulevards aren't going to solve that problem.

3           Second, funding. Without funding, I'm afraid the  
4 cost of these infrastructure improvements would be put on the  
5 shoulders of the existing residents. Thirdly, the APFO. I  
6 fear that developers will push hard to repeal the APFO so  
7 that they can start building right away. If developers are  
8 allowed to get around the APFO requirements, the results will  
9 be a severe degradation in the quality of life on the Pike  
10 for me and the residents.

11           Lastly, parks. The Zoning Revisions as written  
12 will not bring parks to the Pike Plan. I, like most  
13 residents, take great pride in our parks and open spaces.  
14 The Plan, in the Plan, developers are allowed to meet their  
15 green space requirements through interior courtyards and curb  
16 planting. A city without parks is a much more hostile place  
17 to live and certain won't improve the quality of life in  
18 Rockville.

19           Lastly, I am discouraged and disappointed that the  
20 process for developing the Plan and Zoning Revisions has  
21 excluded citizens. This is our home and our government.  
22 Aren't we the most important customers, not the developers?  
23 Public hearings after the plan is developed and crammed into  
24 a two-month period isn't the way to get citizen involvement,  
25 and particularly after four or five years of staff and



1 consultant efforts. Citizens need real opportunities to  
2 participate in the shaping of the outcome of the plan from  
3 the beginning and all the way through the process. Thanks  
4 for listening.

5 CHAIRMAN: Thank you. Next, Barbara Sears.

6 MS. SEARS: Good evening. My name is Barbara Sears  
7 with the Law Firm of Linowes and Blocher, and I am  
8 representing Woodmont Country Club. We had a couple of  
9 comments on the Rockville Pike District Zone. And basically,  
10 it was a request for the Planning Commission to consider  
11 adding some neighborhood retail uses to the middle-Pike  
12 general frontage zone and the middle-Pike neighborhood  
13 frontage zone.

14 And if you look at Page 9 of the Zone, the District  
15 Zone, you see the regulating plan. And you can see the pink  
16 cross in the, in the middle. And Woodmont's property is  
17 basically three corners, the undeveloped boxes that are  
18 around that, plus the boxes down by that yellow. And we felt  
19 as though some neighborhood retail uses that were excluded in  
20 these zones would be very appropriate and really assist in  
21 creating kind of a sustainable, lively place that you want to  
22 create to keep people out walking and to keep interest in the  
23 community and have it active. And those would be more along  
24 the lines of restaurants that are now excluded, flower shops  
25 that are excluded, health clubs, banks, financial

1 institutions. These could serve a real, really good purpose  
2 mixed with the other allowed development, which is multi-  
3 family townhouses, institutional office, and hotel uses.

4 And especially if you look at the regulating plan,  
5 if you had some of these uses in the areas they were excluded  
6 now and parallel to Rockville Pike. Not just along Rockville  
7 Pike but parallel to the grid, I think it would go a long way  
8 to helping to achieve some of the goals and visions, not only  
9 of the zone but the, but the Plan. So, that's explained in  
10 the written material that we submitted. And I appreciate  
11 your additional time.

12 CHAIRMAN: Thank you very much. Next we have Mary  
13 Ann Barnes.

14 MS. BARNES: I guess I didn't realize I could speak  
15 twice. But, I, I just wondered how many of the people that  
16 are here tonight could shop and buy three to seven days worth  
17 of groceries and carry them in their arms. And as I started  
18 to say earlier, the bags are not strong enough. And there's  
19 a lot of concern about reusing, reusable, you know, tote bags  
20 like the 99-cent variety that you get with a lot of fresh  
21 fruits and frozen vegetables and frozen items that start to  
22 thaw out and get damp.

23 I came up with a list of things, like a gallon of  
24 milk, six, six, or six small cans of food, we'll say like  
25 seven apples, seven oranges, and seven bananas, a loaf of

1 bread, a dozen eggs, a quart of mayonnaise, a package of  
2 lunch meats. I don't think many people could carry those  
3 hardly from the inside of the store out to their car. That's  
4 why a lot of shopping carts are used. It's just, some of  
5 this is unrealistic, and I can do more than most people my  
6 age. But there are a lot of young people that can't do what  
7 I can do. So, and they, they're not considered disabled  
8 people. So I think that that's unrealistic, expecting people  
9 to carry foods for their sustenance up heavy, several blocks.  
10 Okay.

11 CHAIRMAN: Okay. Thank you very much. Next we  
12 have Brian Downie.

13 MR. DOWNIE: I have two.

14 CHAIRMAN: Yes. No, that's fine. I just, I know  
15 there was the two of you. I just only wrote down one name,  
16 so.

17 MR. DOWNIE: That's fine. Okay. Good evening.  
18 Brian Downie. Thank you very much for allowing us to appear.  
19 I am with Saul Centers. Also with me are Todd Pierson from  
20 Saul Centers, and Heather Dlhopsky from the law firm  
21 Linowes and Blocher.

22 Saul Centers is a real estate company located in  
23 Bethesda, Maryland. Late last year, we purchased the  
24 property at 1557 Rockville Pike, 6.7 acres approximately,  
25 across from Congressional Plaza at Congressional Lane,

1 commonly I think known as the old Devlin Lumber site and  
2 currently occupied by an assortment of buildings. As a  
3 result, we have begun to participate in this process and  
4 development of the Plan and the ordinance, and we will  
5 continue to do so.

6 In general, we are very supportive of the vision  
7 captured in the Plan and the ordinance. We think that the  
8 Twinbrook Metro Station area site as well as the Pike are  
9 very well-suited for transit-oriented, mixed use development,  
10 and we look forward to appearing before you again at some  
11 point in time with a redevelopment proposal for our property.  
12 Thank you very much. Heather.

13 MS. DLHOPOLSKY: Thank you. We submitted detailed  
14 written testimony at the end of last week, which I understand  
15 you all have. So I won't reiterate those points. Just  
16 wanted to touch on a few, brief points of that written  
17 testimony. Our main concerns are with regard to some  
18 provisions of the draft zone that read as inflexible or  
19 impractical, and we're concerned will hinder the ability to  
20 achieve good urban design, not only on Saul's property but on  
21 all of the properties that would be zoned to RPD zone.

22 For example, the draft requirement that structured  
23 parking on floors above the ground floor be set back 25 feet  
24 will severely constrain the size of the parking structure and  
25 the maneuverability within the upper levels. And in many

1 cases will render an above-ground parking structure  
2 infeasible. While we understand that structured parking at  
3 the ground floor and street-facing facades should be set back  
4 25 feet, for upper levels above that ground floor, coming out  
5 to the build-to line would give the flexibility needed, and  
6 also allow for the attractive pedestrian experience on the  
7 ground floor level. So we suggest a change to that  
8 provision.

9           Additionally, flexibility is needed in the draft  
10 requirement to provide through block connections at least  
11 every 500 feet with blocks not allowed to exceed a total  
12 perimeter of more than 1,600 feet. For blocks in which the  
13 through-block connections would actually dead-end, it really  
14 kind of defeats the purpose. So specifically for blocks  
15 between Chapman Avenue and the railroad tracks, providing  
16 through-block connections there would just dead-end at the  
17 tracks. So we would ask for some flexibility with regard to  
18 that requirement for such blocks.

19           Another example of the need for some flexibility is  
20 that in the South Pike area, the northernmost block of  
21 Chapman Avenue is currently designated a general frontage  
22 which doesn't permit ground floor retail. We're concerned  
23 that having this one block that doesn't allow the ground  
24 floor retail will actually render the blocks to the south of  
25 that area that do permit ground floor retail an unsuccessful

1 retail experience and also not a very attractive pedestrian  
2 experience along that part of the frontage that doesn't  
3 permit retail. So we would instead recommend that the  
4 northernmost block of Chapman be designated either core or  
5 center frontage instead of the general to allow for street  
6 activation generated with more flexibility and permitted uses  
7 at the ground floor level.

8 So I thank you for the opportunity to present these  
9 comments. I appreciate it.

10 CHAIRMAN: Thank you very much. Well then, okay,  
11 that concludes everyone who was signed up in advance. Is  
12 there anyone else who would wish to speak on the Zoning?  
13 Going once. Okay. We have, we have Brigitta. She has to  
14 raise her hand.

15 MS. MULLICAN: Thank you. I didn't realize I  
16 couldn't speak again. I apologize, so.

17 CHAIRMAN: That's okay.

18 MS. MULLICAN: Now I'll consider this testimony on  
19 the zoning. I live on Lewis Avenue on the railroad side, and  
20 I come to City Hall down Rockville Pike every time. I have  
21 been going down the Pike since 1965 when I went to Richard  
22 Montgomery. If I missed the bus, I walked all the way down  
23 the Pike. So I'm very familiar with Rockville Pike. I don't  
24 think that the Rockville Pike Plan or the Zoning codes are  
25 perfect, but I think they are a tool that you need to use. I

1 think they're good.

2 I have a whole different perspective on the process  
3 than a lot of the testimony that has been given here tonight.  
4 I'm more of on the positive side. I live in Twinbrook, and  
5 Twinbrook Station is down the street. I don't have a big  
6 problem with the parking lot because I know you need a  
7 parking structure to park the cars. There's a requirement.  
8 A developer has been approved. They can't start their  
9 project if they don't have the parking structure.

10 So, I don't understand why a lot of my neighbors  
11 are so against development. Development brings money to the  
12 city. The testimony that was given by the Chamber of  
13 Commerce representative, Brian I believe, I totally agree  
14 with what he said. You know, Rockville needs businesses.  
15 And businesses obviously are going to be produced by  
16 development.

17 The other thing I want to say about parklands. If  
18 you want parklands, you want to come to Twinbrook and just  
19 tear down a bunch of houses and make parklands, the City  
20 doesn't have any property to build another park. It already  
21 prides itself with a lot of parkland. And we're preserving  
22 Redgate and Civic Center Park, which is huge. The City has  
23 more parkland than any other cities, and I can't understand  
24 why there is so much negative about that. I know they want  
25 more, but each development project, as you know, has either

1 15 or 20 percent green space. I think that's great.

2           There are a lot of cities that wish they had  
3 developers come to their city to improve life. I don't think  
4 that my quality of life has been negated at all. In fact,  
5 every project that this city has built, every development has  
6 improved a property. And so I just want to be on the  
7 positive side. I am not negative about development. Yes, we  
8 need to have a balance. And I think if you allow things on  
9 the Pike, you will keep from neighborhoods being encroached  
10 by development. And we all want to preserve the  
11 neighborhoods. And to do that, you allow things to happen on  
12 the Pike. And the Pike is not going to happen unless you  
13 have state and federal funding, because it's a state road and  
14 it's a regional issue.

15           So I just want to tell you that I'm on the positive  
16 side, and I really object to some of the things that have  
17 been said and from my neighborhood people. So I just want to  
18 give you a little balance. Thank you.

19           CHAIRMAN: Thank you very much. Yes.

20           MS. GINSBERG: Thank you, Mr. Callistein. I hope  
21 that wasn't a recommendation that you're going to come into  
22 Twinbrook and tear down houses for parkland. I think that  
23 was a, a misstatement there.

24           CHAIRMAN: All right. Your name and address for  
25 the record, please.



1 MS. GINSBERG: Thank you. Christina Ginsberg, 1204  
2 Simmons Drive, Rockville, Maryland. I was speaking as the  
3 president of the Twinbrook Citizens Association. I don't  
4 know where we stopped, but I'll start with, I'll start at the  
5 top of the paragraph. People don't even understand that  
6 Rockville's current citizens are already footing the bill,  
7 and it's a big bill for this Plan.

8 The City's own documents show that developers sit  
9 in nonpublic meetings, not DRC meetings, with staff from  
10 various departments and discuss their ideas of coming density  
11 and get on the public dime the water infrastructure laid out  
12 in advance. As long as it's done in advance, developers pay  
13 pennies on the dollar, and maybe even nothing for connection  
14 to an existing water system, while the cost is paid by the  
15 City issuing bonds that are paid for by the current  
16 residents' taxes.

17 That giant sucking sound that is the cost of Town  
18 Center draining away money every year will be nothing as to  
19 what is coming from the Rockville Pike Plan. You have no  
20 mechanism for recovering these costs. And while citizens see  
21 taxes and fees rise every year, there has been little to no  
22 readjustment of the fees that developers pay. And frankly,  
23 three or even five minutes for a citizen to speak does not  
24 equate to the hours and hours that staff spends with  
25 developers, facilitating their projects and writing pro-

1 developer goals right into the Rockville Pike Plan, the Pike  
2 Code, and the City CIPs. I can even point to one developer  
3 who is outraged that the Mayor and Council questioned a deal  
4 that he thought he had fixed with staff. Too bad he forgot  
5 he was on camera.

6           There are more loopholes for developers in this  
7 document than holes in a lace table cloth. It clearly sets  
8 up the situation that each parcel will be able to opt out of  
9 providing green space for even trees at street level or even  
10 trees at all. I don't really care what amenities like  
11 exercise rooms or pools on rooftops that developers provide  
12 for their residents. If it's not publicly accessible for any  
13 random member of the public, it's not an amenity that should  
14 be applied to fulfilling the Zoning requirements as a park or  
15 a green space or an open space or a recreational space.

16           And furthermore, let's be honest that instead of  
17 having parks at all on the Pike, the staff has been very  
18 clear that the only large park that might develop might  
19 happen if Woodmont Country Club redevelops and can be  
20 partially confiscated by the Rockville government. If  
21 Woodmont does not redevelop, there is no park on Rockville  
22 Pike and no public green space of any significance, or any  
23 meeting space that is not controlled by private interests.

24           Mr. Hill, Mr. Tyner, and Ms. Ostell have all seen a  
25 pre-2006 plan that showed a large public park near

1 Congressional. I have asked for years and years that this  
2 schematic be brought forth and shown publicly. The staff can  
3 never seem to find the diagrams. Tax dollars paid for it. I  
4 asked for it to be shown when the Planning Commission had a  
5 joint meeting in the summer of 2008 with the Mayor and  
6 Council. When then-Mayor Susan Hoffman famously remarked  
7 that she did not shop on the Pike and Commissioner Ostell  
8 said that no one could bring a television home from Best Buy  
9 on a bike.

10 That pre-2006 plan has not been seen since at least  
11 2007. Why? Did developers object so much that a publicly-  
12 funded study cannot be shown in public at all anymore? Are  
13 we down to fee in lieu imaginary parks? The City has a park  
14 fund that has never actually been funded to pay for the 300-  
15 plus additional acres that should be acquired to serve the  
16 population that you are squeezing into the bottom of this  
17 plan, the bottom of the Pike with this Plan. And that's from  
18 the Park Recreation and Open Space Plan.

19 Where is your plan for actually funding parks, let  
20 alone schools? There are many instances in this Plan where  
21 on a sentence-by-sentence basis the document is clearly  
22 intended to deceive the public. The 7,000-foot block between  
23 Edmonston and Halpine, for instance, if someone from another  
24 part of the city reads that without understanding the  
25 terrain, it seems to be a problem. But if you actually go

1 look, that 7,000 feet is broken up by many traffic lights.  
2 That 7,000-foot block is referenced only because staff wants  
3 to cut a road across the Metro tracks into Twinbrook to serve  
4 the Twinbrook Station development, a developer goal that was  
5 soundly rejected in the Twinbrook Neighborhood Plan after  
6 strong and vocal neighborhood opposition.

7           There are many more instances of developer double-  
8 talk. And if I can find them, so should you be able to.  
9 Especially those of you who have served more than 10 years on  
10 the Planning Commission and the Board of Appeals. So it is  
11 all the more puzzling to me as to why you, the Planning  
12 Commissioners, are willing to affix your name to this  
13 Rockville Pike Plan and code and to assertions and  
14 suppositions that are unsupported by factor or citation and  
15 that would not pass peer review.

16           This Rockville Pike Plan is a fantasy that has no  
17 mechanisms for delivering any of your promises but plenty of  
18 means to fill the Pike with unsustainable density that does  
19 nothing but fill the pockets of big developers. It does  
20 nothing to serve the interests of the Rockville citizens  
21 whose interest should be your primary concern. Thank you.

22           CHAIRMAN: Thank you. Is there anyone else? Yes.  
23 And your name and address for the record, please.

24           MS. MILLER: I'm Judy Miller, 5920 Halpine Road.  
25 And I just want to bring up a point about the plan, and how

1 its been distributed, and about the code. I have one of  
2 these, and they're very valuable. I hear people want them  
3 all the time. Our association is passing it around, so we  
4 share it. But I really think that, you know, with all the  
5 tax money being spent, that we need to make these a little  
6 bit more available.

7           The other thing is that I didn't see the code in  
8 here. And it really handicapped me because I would have  
9 studied it and read it quite a long time ago. If it wasn't,  
10 I think that it should definitely be a part of this document.  
11 And I'm just going to make just a couple of very general  
12 points. And I'm very concerned about the zoning in the south  
13 that's in the code. It is overly much.

14           There seems to be an idea we can cram everything.  
15 You've got a Metro down there, and it's already too full.  
16 But it's okay. And we'll pretend like we can cram all the  
17 development down there, and we're going to keep all the other  
18 neighborhoods nice for everyone else. But Twinbrook is going  
19 to take the brunt. It's not good, and it's really not  
20 acceptable.

21           I'm concerned about the form based zoning, whether  
22 it really addresses the need correctly. I'm concerned about  
23 allowing more stories and space for all kind of reasons and  
24 issues. And the other thing is the waivers. Wow, boy is  
25 that general language. And that's very concerning. And just

1 on the parks, yes, it's not really there for the parks.

2 And to bring up a, just a real small point is I  
3 hear my neighbors and other people all the time asking for  
4 playgrounds. We're getting lots more kids. And when you're  
5 talking about parks and taking care of our youth, it's very  
6 important that we include those. Thanks.

7 CHAIRMAN: Thank you. Is there anyone else? Going  
8 once. Going twice. Going three times. All right. There  
9 being no other testimony, this closes public testimony on the  
10 suggested zoning changes. And that concludes our hearing of  
11 the hearings on the Rockville's Pike Plan. So --

12 MR. LEVY: So our intention on the calendar will be  
13 to assemble the testimony. We'll get the transcript of both  
14 hearings today and get that out to you. We'll order that  
15 tomorrow. And we'll assemble that plus the written testimony  
16 and provide it as soon as we can. The plan right now is to  
17 come back to you on the second meeting in June. If we can  
18 get the testimony assembled earlier than the normal delivery  
19 time, we'll do that. I don't want to promise yet. But it  
20 takes some work to do.

21 But we wanted to give you, we'll give you as much  
22 time as we can. And obviously the plan is to review the  
23 testimony that we've heard and go piece by piece and discuss  
24 those beginning the second meeting in June.

25 CHAIRMAN: Thank you.

1 UNIDENTIFIED SPEAKER: Are you posting the  
2 transcript on this?

3 MR. LEVY: Yes. Everything which has, everything  
4 that's, we always do that. And it will be there.

5 CHAIRMAN: So everything we get and everything we  
6 hear will be available for --

7 MR. LEVY: Correct.

8 CHAIRMAN: -- public review.

9 MR. LEVY: Yes. Everything that has been received  
10 up to last week with the packet is on the Internet right now.  
11 And nothing since a week ago has been posted yet, but it will  
12 be within a week or two.

13 CHAIRMAN: Okay.

14 COMMISSIONER HILL: Mr. Levy, can you be more  
15 specific on where on the Internet?

16 MR. LEVY: Oh, yes. Sorry, sure. Of course.  
17 There is a project website at www -- well, at the City's  
18 website, RockvilleMD.gov. And right now from the Home Page  
19 there is a direct link to Rockville's Pike. You can direct  
20 link to the Project Web Page from the Home Page at this  
21 point. But all the information is there. There is link to  
22 testimony, link to the draft document.

23 If folks want, are having trouble accessing or  
24 reading the document because of the problem of paper copies,  
25 please come to us. We'll work with you.

1 COMMISSIONER HILL: And a more indirect reference  
2 there, we will also be going through the government link and  
3 the Boards and Commissions and the Planning Commission --

4 MR. LEVY: Correct. You can always go through --

5 COMMISSIONER HILL: (Indiscernible.)

6 MR. LEVY: Exactly so.

7 COMMISSIONER HILL: Okay.

8 COMMISSIONER LEIDERMAN: We get in our packet a  
9 summary of people's testimony and staff response. Is that  
10 also included on the website?

11 MR. LEVY: Yes. We put it all up.

12 COMMISSIONER LEIDERMAN: Okay.

13 MR. LEVY: It's -- well, number one, it's in the  
14 packets. And everything that's in your packet is there so  
15 they can see it through the agenda item. But we also put  
16 that summary when we assemble the, the testimony. So you can  
17 see it both ways.

18 COMMISSIONER LEIDERMAN: If someone who testified  
19 reads their, the staff summary of their testimony and feels  
20 that maybe it wasn't entirely a reflection, do they have a  
21 chance to respond to how their summary, how their testimony  
22 is summarized?

23 MR. LEVY: Absolutely. That's a very good  
24 question, Commissioner. Just give us a call at Community  
25 Planning at 240-314-8200, and we'll, if somebody feels that



1 it hasn't been characterized correctly, please let us know,  
2 and we'll work with you.

3 COMMISSIONER LEIDERMAN: And would their response  
4 be included in the record even though the record closes May  
5 31st?

6 MR. LEVY: That would be your decision, I would  
7 say.

8 COMMISSIONER LEIDERMAN: Could we allow such  
9 comments to be included in the record, or what do you people  
10 think? If there were any. I don't know.

11 MR. LEVY: Yes. Our attempt is simply to provide a  
12 brief summary. If someone believes we have not summarized  
13 their testimony correctly, let us know and we'll have them  
14 help us summarize their testimony. And whatever we produce  
15 before, we can keep available if you like.

16 COMMISSIONER LEIDERMAN: Okay. My only concern was  
17 by the time all this stuff gets generated, it might be past  
18 the closing of the public record. And --

19 MR. LEVY: If someone believes, if someone has  
20 submitted testimony and it's after the public record has  
21 closed, and we as staff have summarized it in a way that they  
22 don't feel comfortable, we won't regard that as testimony.  
23 That's interpretation of their testimony.

24 COMMISSIONER LEIDERMAN: Okay. That's great. It's  
25 kind of like reviewing meeting minutes.

1 MR. LEVY: Yes, right.

2 COMMISSIONER LEIDERMAN: All right.

3 MR. LEVY: That's fine. Absolutely.

4 MR. LARSON: Right. Yes. I mean, we would not  
5 allow additional information in their commentary. We just  
6 want to make sure it clarifies what they've already said.

7 COMMISSIONER LEIDERMAN: That's great.

8 MR. LEVY: And frankly, we're not going to argue  
9 with folks on the summary of their own testimony.

10 COMMISSIONER LEIDERMAN: Well, that's what I was  
11 getting at. Yes, thank you.

12 CHAIRMAN: Okay, thank you. All right. That  
13 concludes our hearings. We've got a couple of regular  
14 business items to take care of.

15 COMMISSIONER TYNER: Mr. Chairman?

16 CHAIRMAN: Yes.

17 COMMISSIONER TYNER: Frankly I'm rather  
18 disappointed that we have so few people who have actually  
19 come for our three public hearings. If it doesn't  
20 discombobulate staff too much, I wondered whether we can  
21 extend the closing from March 30th, from May 31, one week  
22 until June 6th or so. Because I can't believe of all the  
23 folks that were involved in our proceeding going back five  
24 years that there aren't, you know, I just, I'd like to be  
25 able to give, you know, an extra shot if in fact you could

1 still do that. You know, it's a crap shoot. You may get no  
2 one. But on the other hand, I'd certainly feel a lot better  
3 that we'd hear from more than just 31 people in three weeks.  
4 I wonder if my colleagues would be interested in that.

5 CHAIRMAN: Yes, well --

6 COMMISSIONER TYNER: But it really is up to staff  
7 if that, if that would, it's the second week in June that you  
8 were going to get stuff to us. So if you would allow three  
9 weeks rather than a month.

10 MR. LEVY: The, when is the meeting? June --

11 MR. GUNNING: June 26th would be the second  
12 meeting. So June 19th it would go out.

13 COMMISSIONER TYNER: That would still give you  
14 three weeks, and if something did come in.

15 MR. LEVY: So if it went through June 6th, we'd  
16 have about, you know, two weeks after that to put the packet  
17 together. I mean we'll get, we're getting started on it now.

18 CHAIRMAN: There's a couple of final things, yes.

19 MR. GUNNING: But it's ultimately your call as  
20 well.

21 MR. LEVY: It's --

22 COMMISSIONER TYNER: We can't just set Mr. Chairman  
23 up with everything.

24 MR. LARSON: The end of that next week, Friday is  
25 the 7th of June, just FYI.

1 CHAIRMAN: Okay.

2 MR. LEVY: I mean, we can incorporate it. If it's  
3 a matter of a few more pieces --

4 CHAIRMAN: So we'll be leaving the --

5 MR. LEVY: -- that will get delivered, we'll put it  
6 in.

7 CHAIRMAN: -- record open for, for another week.

8 COMMISSIONER HILL: I'm inclined to let it be open  
9 for another period of time in case people have --

10 CHAIRMAN: Okay.

11 COMMISSIONER HILL: -- further thoughts or reasons  
12 they haven't been able to participate.

13 MR. LEVY: We'd make it work.

14 CHAIRMAN: Another week.

15 MR. LEVY: We'd make it work with another week.

16 CHAIRMAN: You can make it work? All right.

17 Unless anyone objects, we'll leave it open for, for one  
18 additional week.

19 MR. LARSON: June 7th then.

20 COMMISSIONER OSTELL: Can you specify the date.

21 MR. LARSON: June 7.

22 MR. LEVY: Friday, June 7th, close of business.

23 MR. LARSON: At close of business, which we'll  
24 interpreter as 5:00 p.m.

25 CHAIRMAN: Yes, that sounds --

1 MR. LEVY: Although if somebody emails at 5:02,  
2 we'll take it.

3 CHAIRMAN: Okay. Thank you. Any other discussion  
4 about this folks? All right, thank you. Moving onto --

5 COMMISSIONER HADLEY: Mr. Chairman, can I just --

6 CHAIRMAN: Yes.

7 COMMISSIONER HADLEY: I think we've, for those who  
8 have participated, we've heard some very sincere thoughts and  
9 some very good analysis. And I think, I don't want to speak  
10 for my fellow commissioners, but I'll do it anyway. I think  
11 we're very grateful for that.

12 CHAIRMAN: Absolutely. All right. Going on to  
13 Commission items.

14 MR. GUNNING: Sure, Mr. Chair. We'll keep it  
15 brief. Just a couple of things as, a couple of reminders for  
16 things that you've been invited to recently. One is a  
17 session that the local chapter of the Urban Land Institute,  
18 ULI, invited all of the members to go on a bus tour of  
19 projects around the region, smart growth development projects  
20 in Montgomery County, in the District, Arlington, and  
21 Alexandria. And I really need to let them know ideally by  
22 tomorrow if anybody else is interested.

23 CHAIRMAN: Who is going?

24 MR. GUNNING: I have one member that has signed up  
25 so far. I know it's on a Friday. It's on June 7th. It's a

1 pretty significant commitment over the entire day from 9:00  
2 to 3:30-ish.

3 CHAIRMAN: Yes. It would be fun to ride the magic  
4 bus.

5 MR. GUNNING: But if you let me know, let me know  
6 tomorrow, I can respond back to ULI and we'll make sure we've  
7 got a spot.

8 CHAIRMAN: I have a conflict. I won't be able to  
9 go.

10 MR. GUNNING: Okay.

11 CHAIRMAN: Yes, unfortunately, it's this full time  
12 job.

13 MR. GUNNING: Work gets in the way. The other  
14 invitation was, we got a request from Nancy Regelin, Shulman  
15 Rogers, inviting you to go to a tour of Upper Rock, the  
16 Gables new development. And that's on Thursday, June 13th  
17 from 4:00 to 7:00 p.m. And we probably need to coordinate  
18 just to make sure again that we don't have too many people  
19 there at one given time. But if you know that you're going  
20 to go, let me know so we can --

21 CHAIRMAN: Yes. I'll probably be there like around  
22 6:00.

23 MR. GUNNING: Okay. And you can let me know  
24 offline as well.

25 CHAIRMAN: Yes.

1 MR. GUNNING: Okay. Very good. I wasn't going to  
2 dive into this tonight, but changing subjects a little bit.  
3 We did give you a copy of the results from the Board and  
4 Commission Survey that we had open back in March and April.  
5 Does everybody have a copy of the spreadsheet that shows  
6 results and buried in all the other testimony you have in  
7 front of you?

8 CHAIRMAN: Yes.

9 MR. GUNNING: And we can talk about this more at  
10 the next meeting. Perhaps when Marcy is here as well. But a  
11 few things popped out that, that we're definitely going to  
12 start working on for the next packet in, in June. One item  
13 in particular that came up is that our maps and our graphics  
14 are slipping again as far as reproducing and scanning and  
15 getting on the Web and in your packets. So we have a way to  
16 fix that I'm pretty sure. So we'll try that out at the next  
17 meeting. And that's an ongoing effort. But I appreciate the  
18 comments. But if you have any other observations you want to  
19 share, we're always glad to hear those.

20 CHAIRMAN: All right.

21 MR. GUNNING: And finally for your next meeting,  
22 June the 12th, three weeks from tonight, three plats will be  
23 on the agenda for approval. And we're going to bring back  
24 the municipal growth element. You made a lot of progress a  
25 couple meetings, last meeting I guess it was, on the maximum

1 expansion limits. They're pretty much nailed down. But  
2 there was additional work within that draft proposal that  
3 Minesha (phonetic sp.) and David rolled out dealing with the  
4 annexation policy and discussion of other projects outside of  
5 Rockville where we want to maybe draw a boundary and identify  
6 what we're interested in as far as commenting back to the  
7 County and Park and Planning, City of Gaithersburg. So we  
8 want to bring that discussion back as well.

9 MR. LEVY: And I know Commissioner Hill indicated  
10 that you wanted another bite at the apple potentially because  
11 you weren't able to make that one, so.

12 COMMISSIONER HILL: So does Commissioner Tyner  
13 after talking to some of our surrounding people.

14 MR. LEVY: No, that's great. And we've been  
15 thinking about it, the task that you gave us last time, we  
16 are working on. It's a hard one. So we'll welcome your,  
17 your partnership in figuring out the, the compatibility  
18 issues across the boundaries.

19 COMMISSIONER HILL: Okay.

20 MR. GUNNING: The last thing I should mention,  
21 there was the first discussion that Mayor and Council had on  
22 the APFO based on your recommendations was held a week ago,  
23 last Monday. A very good discussion. I know a couple of you  
24 were there to, to hear that first-hand. A lot of questions.  
25 A lot of things that we need to do further research on, some



1 technical things that we're going to research as far as some  
2 of the standards, legal questions that came up, but a lot of  
3 other policy discussion as well that's germane to, to their  
4 discussion. But it's coming back on July 1st, is their next  
5 discussion. And most likely among them as well. I don't  
6 know that it's an interactive discussion at this point, but  
7 they have work to do based on the research that, that we  
8 bring back.

9 CHAIRMAN: That was a great discussion, actually.

10 MR. GUNNING: Yes. It was a good start.

11 CHAIRMAN: All right. Anything else?

12 MR. GUNNING: That is it.

13 CHAIRMAN: All right. Any old business? Any new  
14 business?

15 COMMISSIONER HILL: I have a point of new business  
16 I'd just like to comment on, which was there was questions  
17 about the composition of this body. And I will make the  
18 disclosure that, first of all there is nothing hidden about  
19 the terms of the members. They are clearly published on the  
20 website. They are available to City Hall, the City Clerk's  
21 Office manages that I believe. We do have one member who has  
22 been continuing to serve. I think that's a very generous  
23 gesture on their part. There is nothing untoward about that.

24 The State of Maryland provides that commissioners  
25 can continue to serve until the appointment is, a replacement

1 appointment is made. The City ordinance repeats that, and  
2 it's also in our rules and procedures. So we are a properly  
3 constituted body. The Mayor and Council is responsible for  
4 appointing members to this body, and they have not, in my  
5 opinion, done due diligence on that.

6 And we do have a second member who is about to have  
7 their term expire, and I have not heard of any action on  
8 that. And as a, as a state-required body, I find that  
9 somewhat astonishing.

10 CHAIRMAN: Thank you. Okay. So that's new  
11 business. Are there, there are no minutes.

12 MR. GUNNING: No minutes this time. We will have  
13 two sets for your next meeting.

14 CHAIRMAN: Right. And is there a little bit of  
15 correspondence?

16 MR. GUNNING: I think you have a decision letter or  
17 two.

18 CHAIRMAN: Right.

19 MR. GUNNING: And some other miscellaneous stuff.

20 CHAIRMAN: Right, yes. Okay. So any more business  
21 before the Commission this evening? Then may I have a motion  
22 to adjourn, please?

23 COMMISSIONER HILL: Move to adjourn.

24 CHAIRMAN: Do I have a second?

25 COMMISSIONER OSTELL: Second.

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CHAIRMAN: All in favor say aye.

(A chorus of ayes was heard.)

CHAIRMAN: We are adjourned. Thank you, folks.

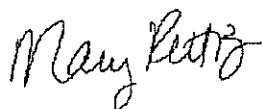
(Whereupon, the proceedings were concluded.)

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ROCKVILLE PIKE DISTRICT CODE

Meeting 09-2013



By: \_\_\_\_\_

Date: May 29, 2013

Mary Rettig, Transcriber